(v) Under the agenda item relating to administrative matters concerning the 5th Session of the Ministerial Conference of the WTO in Cancun in September this year, the General Council, among other issues, agreed that the General Council would submit only a brief update of its Annual Report for the year 2002 describing development since December 2002 instead of a full Annual Report.

**Patenting of Indian herbs and medicinal plants by MNCs**

†1869. SHRI KRIPAL PARMAR: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that some developed countries and multi-national companies have got patented many Indian herbs and medicinal plants;

(b) if so, the details thereof; and

(c) the action taken by Government in defence of their claim on the Indian herbs and medicinal plants being patented by the other countries?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI CHENNAMANENI VIDYA SAGAR RAO): (a) to (c) Herbs and medicinal plants, existing in nature, would not meet the criteria of patentability, namely, novelty, inventiveness and industrial applicability. However, patents have reportedly been granted on compositions based on properties of certain herbs/medicinal plants. No such information is maintained as patents are granted under the sovereign prerogative of countries according to their respective patent laws and have territorial effect, that is, they are effective only in the country of grant.

However, as and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interests, steps are taken to assess whether the grant of such patent can be challenged under the patent laws of the country concerned. Earlier a patent granted in the United States of America on the use of Turmeric in wound healing was successfully challenged and was also cancelled by the Patent Office of the country concerned. Similarly, a patent on the fungicidal property of neem, granted in Europe,

†Original notice of the question was received in Hindi.

was successfully challenged. The claims of the patent on Basmati Ricelines and grains granted in the United States of America which had the potential of affecting India's commercial interest were also challenged. The said claims were subsequently cancelled by the United States Patent and Trademark Office and the title of the patent was also amended. A patent is normally challenged by the person (s) whose interests are affected/jeopardised.

**Decrease in export of basmati rice, tea and coffee**

1870. SHRI SANTOSH BAGRODIA: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that there has been a gradual decrease in export of basmati rice, tea and coffee every year;

(b) if so, the details thereof for the last three years, year-wise; and

(c) the reasons why these items are losing their market share internationally?

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): (a) to (c) The total quantity and value of exports of basmati rice, tea and coffee during the last three years are as under:—

Unit: Qty:MT

(Value: Rs. Crores)

| Year | Basmati Rice | | Tea | | Coffee | |
|---|---|---|---|---|---|---|
| | Quantity | Value | Quantity | Value | Quantity | Value |
| 1999-2000 | 638,379 | 1,780.34 | 1,79,310 | 1,784,67 | 1,90,112 | 1,434,85 |
| 2000-01 | 8,51,724 | 2,165,96 | 2,02,365 | 1,976,41 | 1,84,899 | 1,184,87 |
| 2001-02 | 6,67,069 | 1,842,77 | 1,80,102 | 1,719,22 | 1,76,262 | 1,094,92 |
| 2002-03 (Apr.-Oct, 2002) | 3,79,937 | 1,049,22 | 1,17,298 | 1,040,70 | 1,18,708 | 597.19 |

(Source: DGCI and Calcutta)

Exports, being a function of various factors, including market forces do fluctuate from year to year.